

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE CASTELLE,

Petitioner,

CASE No. CSJ:1:21-CV-04694
18 CR. 15 (AKH)

v.

UNITED STATES OF AMERICA,

Respondent.

NOTICE OF EMERGENCY
MOTION FOR RELEASE ON
BOND

The petitioner, Eugene Castelle, pro se, hereby submits his Notice of Emergency Motion for Release on Bond. The basis of the instant Motion is fully explained in the Declaration in Support of Emergency Motion for Release on Bond, herewith submitted.

Respectfully submitted,
Eugene Castle
EUGENE CASTELLE, Pro Se
33½ Pembroke Road
DANBURY, CT 06811

Dated: November 2, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE CASTELLE,

Petitioner,

CASE No. (CS): 18 CR. 15 (AKH)

1:21-CV-04694-AKH

v.

UNITED STATES OF AMERICA,

Respondent.

DECLARATION OF EUGENE
CASTELLE IN SUPPORT OF
EMERGENCY MOTION FOR
RELEASE ON BOND

I, Eugene Castelle, under
penalty of perjury, hereby declare
as follows:

1. I AM the petitioner in the
above entitled action and submit
the instant Declaration in support
of my emergency motion for release
on bond.

2. Since August 5, 2021, this case has been ripe for adjudication.

3. This Court has the authority to grant my request for release on bond. See Acosta v. United States, 2019 U.S. Dist. LEXIS 149018 (W.D. of NY, Sept. 2, 2019) (granting bail in a Section 2255 case); and Johnston v. Marsh, 227 F.2d 528 (3d. Cir. 1955) (affirming grant of bond in a habeas case).

4. IN its June 8, 2021 order, the Court found that I raised a substantial claim. I have demonstrated a likelihood via my reply to the government's opposition and the submitted exhibits that my motion will prevail.

FINALLY, I submit that my case is AN EXCEPTIONAL ONE deserving of bond because I have already been in custody for 20 MONTHS, AND further confinement will render the remedy afforded by 28 U.S.C. SECTION 2255 ineffective if I prevail on the merits, because I will have lost ANY possibility of being put in a position to receive anything close to the 8 to 14 MONTH sentence I WAS OFFERED via the government's plea offer. IN this regard, it is important to note that I WAS previously released by the Court ON bond pending appeal, without incident. See ECF No. 738.

Accordingly, I should be released ON bond in order to maintain SECTION 2255 AS AN effective remedy for the relief I seek.

Eugene Castelle

EUGENE CASTELLE

Dated: November 2, 2021

PURSUANT to 28 U.S.C. SECTION 1746, I, Eugene Castelle, under penalty of perjury, hereby declare that the above statements are true and correct.


Eugene Castelle
EUGENE CASTELLE

PROOF OF SERVICE

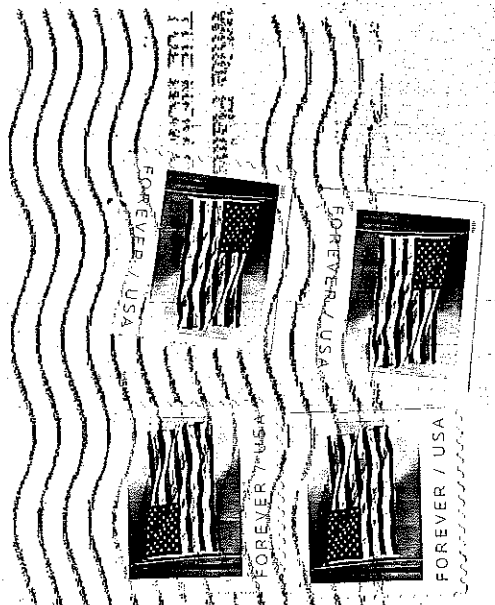
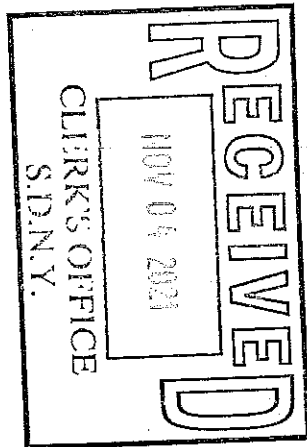
This is to certify that A
COPY OF THE FOREGOING NOTICE
OF EMERGENCY MOTION FOR RELEASE
ON BOND AND DECLARATION OF
EUGENE CASTELLE IN SUPPORT OF
EMERGENCY MOTION FOR RELEASE
ON BOND HAS BEEN MAILED TO:

JACOB R. FIDDELMAN
ASST. U.S. ATTORNEY
1 ST. ANDREWS PLAZA
NY, NY 10007

... via FIRST CLASS U.S. MAIL
THIS 2ND DAY OF November, 2021.


Eugene Castelle

EUGENE CASTELLE
00633-748
F.C.I. AUBURY
33 1/2 PEMBROKE ROAD
AUBURY, CT. 06811



Clerk

U.S. District Court

Southern District of NY

N.Y. N.Y. 10007

USMP3
SDNY

Criminal
Docketing